IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SIXTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Mr. JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 21372 of 2004

Between:

G. Jevith Reddy, S/o Dharma Reddy,
R/o 165, Meenakshi Estates, Jeedimetla Village, Ranga Reddy District.

..... PETITIONER

AND

1 The Station House Officer, Medchal Police Station, Ranga Reddy District.
2 The Assistant Director, Mines and Geology, Government of A.P., Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ Order or Direction more particularly one in the nature of Writ of Mandamus, declaring the action of the 1st respondent in interfering with the stone crushing operations of the petitioners conducted in Sy.No. 40 and 41 of Muneerabad Village, Medchal Mandal, R.R. District, as illegal, arbitrary, without jurisdiction,

Counsel for the Petitioner:MR.C.RAGHU

Counsel for the Respondents: GP FOR HOME

The Court at the stage of admission made the following ORDER:

Petitioner was granted a mining lease to undertake stone quarrying operations in survey Nos. 40 and 41 of Muneerabad village, Medchal Mandal, Rangareddy District for a period of years. He asserts that about 500 workers are engaged in it and the quarrying operations are being conducted strictly in accordance with the terms and conditions of the lease. He complains that the respondents are interfering with the functioning of the quarry and stone crushing operations, without issuing proceedings or issuing any notice.

Heard learned counsel for the petitioner and learned Government Pleader for Home.

The petitioner has placed before this Court an order dated 03.10.2004 passed by the second respondent granting lease over an extent of Ac.2.00 of land in survey Nos. 40 and 41 of Muneerabad village for a period of 15 years i.e. from 08.08.1994 to 07.08.2009. On the basis of the same, the petitioner is entitled to carry on the mining and quarry operations on the site, subject to the conditions of the lease. If the petitioner has violated any such conditions, it shall be open to the second respondent to take such action, as is contemplated under law. The activities of the petitioner cannot be interfered with or curbed by the second respondent without issuing any proceedings. So far as the first respondent is concerned, he has hardly any role to play in the matter of

carrying on mining operations. If he finds that the petitioner is guilty of any offences, he has to register cases under the relevant provisions and take appropriate action. Interference without issuing such proceedings cannot be countenanced in law.

The writ petition is disposed of directing that the respondents shall not interfere with the quarrying and mining activities of the petitioner in the place referred to above without issuing proceedings or issuing any notice. No order as to costs.

26.11.2004

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To

1 The Station House Officer, Medchal Police Station, Ranga Reddy District.
2 The Assistant Director, Mines and Geology, Government of A.P., Hyderabad.

3 Two CCs. to the G.P. for Home, High Court of A.P., Hyderabad(OUT)

4 Two CD copies.